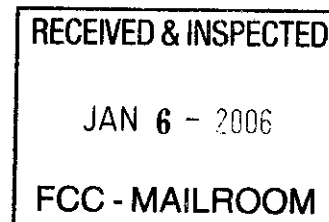


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PRESIDIO SCHOOL

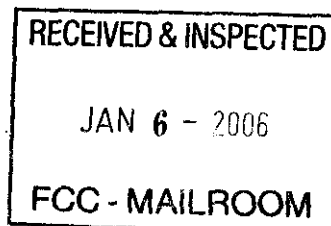
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TO: OFFICE OF THE SECRETARY FROM: PRESIDIO SCHOOL
COMPANY: FEDERAL COMMUNICATIONS COMMISSION DATE: 1/6/2006
FAX NUMBER: 202 418 0187 TOTAL NO. OF PAGES INCLUDING COVER: 5

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

REQUEST FOR APPEAL RE. USAC DENIAL ON FRN 1338728

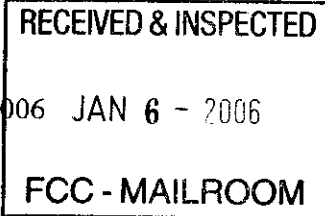


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List A B C D E

PRESIDIO SCHOOL
1695 E. FT. LOWELL
TUCSON, AZ 85719
(520) 881-5222 FAX (520) 881-5522

Request for Appeal

Re: CC Docket No. 96-45 and CC Docket No. 02-6
USAC Administrator's Decision on Appeal FY 2005-2006 JAN 6 - 2006
FRN: 1338728 -Denied
Billed Entity Number: 98307



To Whom It May Concern:

We respectfully request a review of the USAC's denial regarding our Funding Request Number 1338728. There are several points brought up in the letter of denial that are inaccurate. This rebuttal will address the issues as they were raised by the USAC.

We indicated that we had filed a form 470 (#621180000528682) for FY 2005-2006 requesting bids for a T-1 internet connection, among other things. This is accurate.

The confusion arose in working with the PIA reviewer. Our reviewer was challenging to work with, but we tried to send the reviewer all the materials she requested. As it turns out, the materials she requested were not actually the ones needed. This is what we were referring to as clerical confusion. There was a request for the previous year's (FY 2004-2005) Form 470, as well as a request for a document stating that there was not a separate 470 for the T-1. We faxed these documents back to the reviewer as requested. What our reviewer missed was that there was already a current Form 470 for FY 2005-2006 in place.

We were also denied because of the lack of Form 470 listing a T-1 internet connection for FY 2005-2006. There is, however, a current (FY2005-2006) Form 470 (#621180000528682) which does cover that supposed lack. Listed on that form is a request for a T-1 and monthly internet access.

Thirdly, we were denied because our Form 470 referred to a previous year. This error came from the initial confusion with our PIA reviewer. We were instructed to fax a copy of the previous year (FY 2004-2005) Form 470 to her. We already had a current (FY 2005-2006) Form 470 listing our request for a T-1 internet connection, but she overlooked this. This was not new information as the letter seemed to imply, this was filed on time, and has been in place since 1/3/2005.

We hope that this letter will clarify all the issues brought forth by the USAC. If we may be of any assistance, please do not hesitate to contact us. Thank you for your time.

Contact Person:
Thomas Drexel, Director
1695 E Fort Lowell Road
Tucson, AZ 85719
Phone: 520.881.5222
Fax: 520.881.5522
E-mail: tomd@presidiohighschool.com

No. of Copies rec'd 0
List A B C D E

Thomas Drexel
Presidio School
1695 East Fort Lowell Road
Tucson, AZ 85719

Billed Entity Number: 98307
Form 471 Application Number: 483216
Form 486 Application Number:

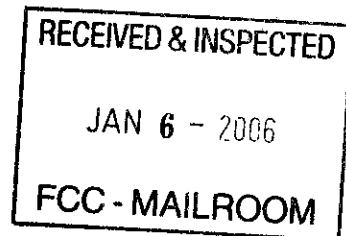


Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

December 19, 2005

Thomas Drexel
Presidio School
1695 East Fort Lowell Road
Tucson, AZ 85719



Re: Applicant Name: PRESIDIO SCHOOL
Billed Entity Number: 98307
Form 471 Application Number: 483216
Funding Request Number(s): 1338728
Your Correspondence Received: November 18, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1338728
Decision on Appeal: **Denied**
Explanation:

- In your appeal letter, you state that your 2005-2006 Form 470 #621180000528682 does list a T-1 connection as a needed item under Internet Access. You state that there may have been some clerical confusion, but your PIA reviewer was aggressive and abrupt. You also mention that you signed and faxed a document saying that there was no separate 470 for Internet Access. You add that the Internet Access 470 is part of the single, comprehensive Form 470 filed originally. You close your appeal by stating that your charter contract does not require you to take bids for goods or services, although you do take bids and/or comparison shop quite aggressively.
- Upon review of the appeal letter and relevant supporting documentation, it was determined that the original request was correctly denied since you did not

provide a Form 470 that was filed to establish bidding for Internet Access in the current funding year. Included in your appeal letter, was a 2005-2006 Form 470 which was posted for Internet access. Program rules do not permit the SLD to accept new information on an appeal, except where an applicant was not given an opportunity to provide information during the initial review or an error was made by SLD. It is the responsibility of the applicant to ensure that all forms are submitted to SLD in a timely and correct manner. Consequently, this appeal is denied.

- The Form 471 you submitted to SLD indicates that you are seeking support for tariff or month-to-month services. Since these types of services are not subject to a multi-year contract, they need to be competitively bid for each funding year. Therefore, you should have posted a new Form 470 to the web site in this funding year to inform potential bidders that you were seeking these services. Consequently, SLD denies your appeal because you did not comply with the competitive bidding requirement that your Form 470 be posted to the web site for 28 days.
- The Form 470 associated with your funding request is for a prior funding year. Your Form 471 indicates that you are seeking discounts for tariff or month-to-month services for the current funding year. FCC rules require that except under limited circumstances, all Forms 470 received be posted on the USAC web site for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting a Form 471. 47 C.F.R. §§ 54.504(a) and (b), 54.511(a) and (c). These competitive bidding requirements help ensure that applicants receive the lowest pre-discount price from vendors. See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Order on Reconsideration*, 12 FCC Rcd 10095, p. 10098, FCC 97-246, ¶ 9 (rel. Jul. 10, 1997). This posting requirement applies to requests for discounts for month-to-month or tariff services as well as contracted services. 47 C.F.R. § 54.504(b).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company